

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cv-00243-FDW-DCK

LIBERTY MUTUAL INSURANCE)
COMPANY,)

Plaintiff,)

vs.)

ORDER

UTILIPATH, LLC; UTILIPATH POWER,)
LLC; BAXTER M. HAYES, II; PATRICIA)
K. HAYES; BAXTER McCLINDON)
HAYES, III; TERESA N. HAYES;)
JARROD TYSON HAYES; and SEREH)
SABRIPOUR)

Defendants.)

THIS MATTER is before the Court on certain Defendants' Consent Motion to Sever and Transfer Crossclaims. (Doc. No. 118). For the reasons stated below, the motion is **DENIED**.

Severance and transfer of crossclaims are governed by 28 U.S.C. § 1404(a). In considering a motion for transfer under the statute, the Court must consider a number of factors. See AC Controls Co., Inc. v. Pomeroy Computer Resources, Inc., 284 F. Supp. 2d 357, 362-63 (W.D.N.C. 2003). The consent motion argues that the applicable factors weigh in favor of transferring the crossclaims to the ongoing litigation in the Eastern District of Pennsylvania.

While a motion to transfer venue for the remaining crossclaims was discussed in open court several months ago, the parties waited to file the motion one month before this case was scheduled for trial in this district. The Court has expended substantial resources in managing this case and its voluminous docket. The now untimely motion to transfer the crossclaims would deprive the Court of the benefit of its work and place an additional burden on the Pennsylvania District Court. That case has filing deadlines well beyond the deadlines in this district, so keeping the crossclaims

here will provide swift resolution to at least some of the issues this comprehensive dispute presents. Any movement in this case, which spreads across four different judicial districts, is constructive. This Court has spurred this case towards finality for several months now and finds that it is “in the interests of justice” to bring it to fruition.

For the reasons stated herein, Defendants’ Consent Motion to Sever and Transfer Crossclaims is DENIED.

IT IS SO ORDERED.

Signed: April 9, 2015

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

